

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JESSE LEE SHAVERS, JR.,

No. C 12-02071 YGR (PR)

Petitioner,

**ORDER REGARDING *IN FORMA*  
*PAUPERIS* MOTION; AND DISMISSING  
PETITION WITH LEAVE TO AMEND**

vs.

STEPHEN L. ROSEN, Warden,

Respondent.

Petitioner filed a document with the Court in the instant case, which was opened as a habeas corpus action. Petitioner also filed an *in forma pauperis* (IFP) application; however, he did not file copies of the Certificate of Funds and prisoner trust account statement.

It is unclear exactly what Petitioner is challenging and whether he has exhausted his claims in state court. Therefore, the Court cannot fairly evaluate the petition in its present state. Furthermore, the Court cannot conduct a full initial review of this matter until Petitioner has either paid the filing fee or filed a completed IFP application with the requisite documents. *See* 28 U.S.C. § 1915(a) (a party is permitted to file a civil action in federal court without prepayment of fees or security if he makes an affidavit that he is unable to pay such fees or give security therefor).

Accordingly, Petitioner shall pay the requisite \$5.00 filing fee in this action no later than **twenty-eight (28) days** from the date of this Order. He shall include with his payment a clear indication that it is for the above-referenced case number, C 12-02071 YGR (PR). In the event that Petitioner is unable to pay the filing fee, he shall submit the trust account statement and certificate of funds no later than **twenty-eight (28) days** from the date of this Order. In addition, the Court **DISMISSES** the petition with leave to amend in order to allow Petitioner an opportunity to file a proper federal habeas petition no later than **twenty-eight (28) days** of the date of this Order. He must use the enclosed habeas corpus form, completed in full, including the state post-conviction relief he has sought. He must clearly state his grounds for relief and whether he is challenging his criminal conviction and sentence or the execution of his sentence. The amended pleading must be

1 simple and concise. Finally, he must write the correct caption and case number for this action --  
2 Case No. C 12-02071 YGR (PR) -- on the form, and clearly label it "Amended Petition." The Court  
3 will only review the amended petition after Petitioner has paid the filing fee or submitted the  
4 requisite documents in support of his IFP application.

5 **Failure to pay the filing fee or file the requisite documents, as well as failure to file an**  
6 **amended petition within the twenty-eight-day deadline shall result in dismissal of this action**  
7 **without prejudice.**

8 The Clerk of the Court shall send Petitioner a blank habeas corpus form along with his copy  
9 of this Order.

10 IT IS SO ORDERED.

11 DATED: June 13, 2012



YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE